



Docket No.: 1349.1293

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dae-hwan KIM

Serial No. 10/652,497

Group Art Unit: 2861

Confirmation No. 3058

Filed: September 2, 2003

Examiner: Hai Chi PHAM

For: BEAM SCANNING APPARATUS HAVING POLARIZATION DIRECTION ADJUSTER
(As amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Statements of Reasons for Allowance were forwarded in the Notice of Allowability mailed November 29, 2006 and the Office Action mailed June 1, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the reasons in the Notice of Allowability indicate that claims 1-18 recite a micro polarized cell array. However, independent claims 7 and 11 do not recite an array

or micro polarized cells.

By way of another example, the reasons in the Notice of Allowability indicate that claims 1-18 recite the transmission directions vary according to whether the respective cells are contracted. However, independent claim 18 does not recite the cells being contracted.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2-22-07

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